IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

-

WRIT PETITION NO : 4715 of 2005

Between:

D. Lakshmi Devi, W/o. D. Kondanna,
R/o. Bethamcherla Village, Betghamcharla Mandal, Kurnool District.

..... PETITIONER

AND

1 The State of Andhra Pradesh, Rep. by Principal Secretary,
Mines & Geology Department, Secretariat, Hyderabad.
2 The District Collector, Kurnool District, Kurnool.
3 The Assistant Director, Mines & Minerals, Kurnool District, Kurnool.
4 D. Venkat Rami Reddy, S/o. Not Known,
R/o. Palkur Village, Banmaganapalli Mandal, Kurnool District.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the 3rd respondent in granting lease of the government lands situated at Sy.No. 280, Palkur Village, Banaganapalle Mandal, Kurnool District in favour of the 4th respondent is illegal, arbitrary and unconstitutional and violation of the provisions of the Mines and Minerals Act and consequently direct the respondents not to interfere with the peaceful procession of the petitioner and pass such other order or orders which are deem fit and proper in the circumstances of the case.

Counsel for the Petitioner:MR.D.BHASKAR

Counsel for the Respondents 1 to 3: GP FOR MINES AND GEOLOGY

Counsel for the Respondent No.4: ----

The Court at the stage of admission made the following:

ORDER:

The petitioner claims to have made an application for grant of mining lease over the land in Survey No.280 of Palkur Village, Banaganapalle Mandal, Kurnool District. She states that though her application is anterior in point of time, respondents 1 to 3 have granted lease in favour of respondent No.4.

Heard the learned counsel for the petitioner and the learned Government Pleader for Mines and Geology.

The petitioner had urged several contentions and asserts that the grant of lease in favour of the 4th respondent is illegal. This Court does not intend to deal with the contentions at this stage, because of the reason that a regular appeal under Rule 35 of the A.P. Minor Mineral Concession Rules, 1966, is provided to the Director of Mines and Geology. The appellate authority would be in a better position to examine the matter on verification of the records.

Hence, the writ petition is deposed of, leaving it open to the petitioner to work out the remedy of appeal. It shall also be open to her to seek appropriate interim orders in such appeal. There shall be no order as to costs.

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10.03.2005

Jsu

To

1 The Principal Secretary, State of Andhra Pradesh,
Mines & Geology Department, Secretariat, Hyderabad.
2 The District Collector, Kurnool District, Kurnool.
3 The Assistant Director, Mines & Minerals, Kurnool District, Kurnool.

4 Two CCs to the Government Pleader for Mines & Geology, A.P.High Court

Buildings, Hyderabad (OUT).

5 Two CD copies.